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DESTRUCT, COURT

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enstrational Provasion

Eight AmenDment

FOURTEEnTH AMENDMENT

## \* KTATURE STAGE OF \* PROCEEDENSS

DASE#

On 8-6-2005 Plaintiff curtis M Collins entered The main chow hat of Breakfast time while at The sussex Correctional Center Located in Georgetown, De. He asked other immotes already scated at the Table to slide down so he could sit down to ent, at which time to Berezonsky told Mr. Collins to "shot The Fuck up" and "Throw your fucking Food trey away" Mc Collins asked To Bere zansky why he had to throw away his food trey. To Berezansky responded There no falking in the chow Hall, Mr. Collins was not having a conversation with another inmate, he was simply trying to got a place vacated to he could eat his food. Mi Collins the use the chain of command rank in which he ask Sqt. Chandler why he couldn't finish his food. Sigt. Chandler didn't respond. Mr. Collins dumped his Food trey. As Mr. Collins was leaving the chow hall % Bere-zansky made a comment directed to Mr. Collins. Then Mr. Collins turned around in attempt to hear muhat to Berezansky said, Vo Berezansky punched Mr. Collins in his face. Then hand cuft and pepper spray Mr. Collins before the rest of the % staff of c/o Milligan, Daisey, Irvine Johnson maliciously assault Mr. Collins. When a member from SCT medical staff to look at Mr. Collins injuries. She fold Mr. Collins to "stop crying like a little Bitch." Mr. Collins went 47 day: Without recieving proper medical treatment, since then x-rays were taken of Mr. Collins ribs that displayed his ribs was tractioned Mx Collins was refuse confes of

Case 1:05-cv-00739-SLR Document 88 Filed 01/18/2007 Page 5 of 16  ***********************************
his medical report by the doctor at Sussex Correction Center in Georgetown, De

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DAYS AT 3 THE

Dummary of the Facts

DELAWARE DEPTIOF CORRECTION has a DESTROYAN

Who PUTS MOSETHER A MENU ON Which AN ENMANT WILL

RECTEVE ALL PROPER NUTREMEDONS

DIFFOR OF CORRECTIONAL COMMISSIONER (STANKY MAYLOR)

AND SUSSEX CORRECTIONAL ENSTRTUTION, WHEDEN

(Rick KENRIEY) SUPPORTS MICH CORRECTIONAL OFFICERS

TO TROLATE ENMANTS FORTECTOR AMENDMENT RISH

TO DUE PROCESS UNDER CIVIL RESE ACT by PREMITHING

THE CORRECTIONAL OFFICERS TO ORDER AN ENMANT

TO DUMP THERE FOOD TRAY AND NOT PROVEDENCY MER

REQUERED FOOD NUTRICAT DESIGN by MAR DECTITIONER

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WATER TED" STATES" DESTRECT" COURT

FOR THE DESTRECT OF DELAWARE

\*

CENTL NO. 105-735-5LR-

## Summary of MAR ARGUMENT

PHARMORFF, WOTHESSES, THAT, WERE PRESENT ON S.C. O. Chow hall, wall testaty on Destruct court THAT Clo Johnson, was Dresent on THE Chow hall, on 8-6-0511 TEME OF THE ATTHEK, ON THE PHARMOFF MS, REFER, Gross SARD CHACT CHR PLARACTE COULD'UT TREDUCES A SONJAN AFFEDNUETS! FROM MY WOOTHESSES! WELL TO ANSWER THAT REMARK THE PLANTER DED WY have know knowledge of THE Legal System, ALSO THE PHARMOMETE WAS TRANSFER TOO SMYENA FOR A COVER UP! THE PHARMORE CAN DEMONSTRATE TO DESTREET COURT THAT THE DEFENDAMS WICHATED THE REGIST AMENDAM AND THE FOURTEENTH AMEDDANCE BY THE PHENTER IN WEETLIRSSES THAT SAW THE ENCEDENT ON . S. C. C. Chow hall THE PLANTICE ASK THES COURT TO SUSPORLER ALL THE WOTHERS S THAT THE PHARMITER has, AND DENYTHE SUMMARY JUDGEMANT OF THE DEFENDANTS SERGENANT, CHANDLER DED ACT WOTH DELEBERATE, INDEFFERENCE AND HE Should BE HELD LOADALE FOR FACTURE TO PROTRET BECAUSE, WATH HEM BEENS A SERBENAR he COULD OF PREVENT THE WHOLD SOMUNTOON by UTWEZETTY"THE RANK THAT THE PRESON PROMOTER HEM WORTH, THE STATES DEFENDANTS has, AIREADY MAT THATER BURDEN OF ShowEng THAT They

\* THE "UNDSTRUCT OF" DELAWARE \*

SUMMARY" OF WELL KTO. 105-739-SLR TOROLATE THE PLAINTIES CONSTRATOROUND ROOKT by TAMPEREN WETH THE MEDECAL DEPORTS DATE & AND THE FALSE DEFENDANTS ANSWERS CO THE COMPANIO AND THE STAT DEFENDAMS ANSWEDS TO THE AMENDMENT COMPLAINT FOLLOWER BY THE DEPOSITION OF THE TEN WRITTEN QUESTION WERE THE DEFENDANTS GOT Causha an A bunch of hors The Plaintiff ASK THE COURTS TO GRANT KENDERS FOR TEXAL WARDEN ROCK KENENRY has knowledge OF THE TUCKEDEN THAT TOOK PLACE TON 3-CA. ON 8-6-05. hz FREE EL FZII TO ENVESTRONTE THE SETURTED WHEN THE Plainliff have corresponded to hom Deputy warden, wheren ON HUMERCOUS OCHSSEN THE WARDEN Should BE HEAD; RESPONSIONELLE FOR ANY THAT TRANSPERD ON SOCOTO AND THE WHEDEN Should MOT bE DESSMESSED FROM THES CASE 1/6 Johonson was on THE BUDIDERS AT ChOW TEME LOKE ALWAYS To mannagan THE PROSON CLASMS That he was not worken DORS clo mannogun have A Alibi because RUERYBODYS Knows That THE PATSON TAMPER WOTH THE PAPER WORK, A COURT on Leverway a Clasm of excessors force used by the PRESON OFFECTAL WAS APPLIED ON THE WRONG DORNES TO, MAZIONAN OR RESTORE DESCRIPTION OR MANACROUSHY AND SHOKES TICALNY FOR THE PURPOSE CHUSENS HARM ON THE PLAINTIFF WH CONSTRUTE A DE, FACTO POLECY POPOW V MARZATE A76 F. Supplash, THE DEROPATE CORRECTION has A history FOR EXCESSIVE FORER VIOLATION THE RIGHT AND WITH AMENDMENTS OF U.S. Construction glane DAVEDSON N Divon 386, F Supp 482

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\* FOR THE DESTRES DESTRECT COURT

SUMMARY"

THE DESCRIPTION ARY HERROY DECESTOR FROM THE 8-6-05- ENCEDENCY DENCEMBER COLLEGE ADMITTED That he Comphosed AND Dumped THE FOOD TRAY, AND TOLD THE OFFICER"THAT he Should Shut has mouth up THE DESCRIPTIONARY" LTS hennesky as FABRACIATERA ON THE PAPER WORK TO DON'T RECARN USEAN PROFAMY LANGUAGED IN THE Chow hand AT, S.C.T. M.S.B. BURNDENS C/ BEREZHISKY WAS THE AGGRESSOR by USEAN PROFINITY LANGUAGE IN THE chow hall BERTY OR ACTEN UNPROFESSAONAL OCH FRONT OF A bunch of Johnnes JOF ANY Thing & BEREZANSKY WAS SERPOUS ENCETERS A ROOT being THE AGGRESS PUE ASSAULTED THE Animire on Front of bunch of Inmates, THE Plaintiff was NO Thresh when he TURNDED AROUND TO hEAR WHAT THE OFFICER hap to say the Plainliff was no threat when he gor handcuffe AFAER THE HANDOUFFRAME OFFICERS SPRAYED THE Plainliff with Two Tubs OF Depper Spray THEN PROCERD TO Funch AND kick THE PHINDSFROOD NO REASON AT ALL NO KEND OF Theral TO THE CORRECTIONAL OFFICERS SUFFERY OF THE ENNERONMENT THE OFFECERS VIOLATED THE PlainLike Eight-AMENDMENT AND THE FOURTEEN, AMENDMENT (THE SUMMARY Judgment FOR THE DEFENDANTS Should be Deny

Case 1:05-cv-00739-SLR Filed 01/18/2007 Document 88 A THE FOR OTHE DESTROCT OF DELAWARE PHARMERET, MEDECHA, RECORDS Show THAT HE WAS ON SCHEDULR son Four Days After THE Encoppent THE PLANTER hAD EXRAYS DONE OF 8-17-05 FIVEH, DAYS AFORE ONE ENECEDENT, THE PHOPOGREE CAL THAT by THE Physicanus, ORDER AND ms TREATED FOR TWO FRANCER LANDS WAS ON 9-22: 05. When DOCTOR BURNS MOID ME THAT MY REBS ARE FRATURE, AND THE REST OF THE Physiciphis CROER has been TAMPER WATE by THE PRESON, AND THE STATE DEFENDANTS

ASTERDAT COURT PAGE 4# #

DELABORE DEPTIOF CORRECTION has a DEPTITIONAL

Who PUTS TOGETHER A MENU ON Which AN ENMANT WILL

RECTEVE ALL PROPER MUTRICIPADONS

DIFFE OF CORRECTIONAL COMMISSIONOR (STANIZY TAYLOR)

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(Rick Kenency) Supports Their Correctional OFFICERS

TO TROLATE DUMBARS FORTECTED AMENDMENT RISH

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THE CORRECTIONAL OFFICERS TO ORDER AN ENMANT

TO DUMP THERE FOOD TRAY AND NOT PROVEDENG THE

REQUIRED FOOD NUTRICAT DESIGN by THE DECTRIANCE

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TOTALTED STATES DESTRICT COURT

FOR THE DOSTRACT OF DZIAWARE

\*

CXVXL" NO 105-735-5.L.R.

## STATEMENT OF THE FACTS

Delaware Department of Cornections has a dietitian, who puts together a menu in which an inmate will recieve all proper required nutritions.

Department of Corrections, Commissionor, Stanley Taylor and Sussex Correctional Institution, Wardon, Rick Kearney support their correctional officer to violate Inmates Fourteenth Amendment right to due process under civil right act by permitting the correctional office to order Inmates to dump their food trey and not providing the required food nutrient design by the dietitions.

Excessive use of force, assault and batter, and verbal abuse violated Mr. Collins constitutionally Rotected rights in accordance with the Eighth Amendment of United States constitution, By physically Beaten Mr. Collins. The actions by the Correctional Officers also violated the Fourteenth Amendment of United States Constitution, Equal Protection right.

When the medical staff failed to provide adquate redical attention it also violated Mr. Collins Eighth Amendment of United State constitution excessive cruel unusual punishment.

PAJE

## \* DELAWARE ARGUMENT \*

Delaware, Department of Correction, Commissioner, Stanley, Toylor and Sussex Correctional Institution, Warden, Rick Kearney Failure to control Correctional Officer with their knowledge of the Correctional Officer repetive use of excessive force constitute a de facto policy Popow v Margate 476 F. Supp 1237.

Delaware Department of Corrections has a history for using excessive force violating the eighth and fourteenth Amendment of United States Constitution Davidson v Dixan 386 F. Supp 482

All prisoner is enfitte to be in an environment that's free from cruel and unusual Bunish ment under the eighth and Fourteenth Amendment Nussle us Porter 122 S. Ct 983

This case should be ruled more by the merits

then technicalities. The Department of Correction Control all Paper work. Commissioner, Stanley Taylor went under a major review for the neglect of Department of Correct Medical Staff. In that same error Mr. Collins was denied medical treatment also denied right to x-ray in his personal medical file. Dole vAKCU Chemical Co. 921 F. 2d 484

The correctional Officers was maliciously and Sadistically when they hand cuff, sprayed

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ARgument court

two cans of pepper spray in Mr. Collins face. Then continue to beat Mr. Collins Hudson 112 S.Ct 995 When a prisoner is under control where the correctional officers can't be harmed. Then continue to physically hurt Mr. Collins that act yidlate Prisoner Fourteenth Amendment right to due process under civil right act Davidson V Orxon 386 F. Supp. 482 Although it many appear that some Correctional Officer elidat physically beat Mr. Collins personally they to share equal amount of responsibility Because of thirknowledge of event that took place Even the medical staff that netise Mr. Collins Proper treatment is equally responsible for Mr. Collins pain and suffering. Brace, v Grenoble 494 F. 2d 566, Byrd v Brishke 466 F. 2d 6 Landman N Royster 354 F. Supp 1302, Wright v McMann 460 F. 22 126 State Prisoners are entitle to recover for Physical abuse of his body under civil right act custis v Everett 489 F. 20 516 In this kind of premeditate malicious assault punitive damages are appropriate Calling v Brown 268 F. Supp 198 Lampert v Renold Metal Co. 372 F. 2d 245 Correctional officer are not elligable for sovereign immunity When they act unconstitutionally Monroe & Pape 815.Ct 473

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DEL/ CORRI CENTER
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